

UNOFFICIAL VERSION

This is a draft version of the Senate Journal and is UNOFFICIAL until formal adoption.

WEDNESDAY, MAY 3, 2017

THIRTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker McNally.

MR. SPEAKER MCNALLY RELINQUISHES CHAIR

Mr. Speaker McNally relinquished the Chair to Senator Tracy.

PRAYER

The proceedings were opened with prayer by Pastor Ray Ortlund of Immanuel Nashville in Nashville, Tennessee, a guest of Senator Yarbrow.

PLEDGE OF ALLEGIANCE

Senator Yarbrow led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Yarbrow led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

COMMUNICATION

May 2, 2017

Lt. Governor Randy McNally
301 6th Avenue North
Suite 1 Legislative Plaza
Nashville, TN 37243

Chief Clerk Russell Humphrey
Tennessee State Capitol
600 Charlotte Avenue
2nd Floor
Nashville, TN 37243

SUBJECT: May 3, 2017, Session Absence

Dear all,

I'm having knee surgery immediately after the 110th General Assembly adjourns. As such, I have a pre-operation (pre-op) appointment scheduled Wednesday, May 3, 2017, at 7:30 am.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Unfortunately, it's the only availability I could arrange with the Doctor and am unable to attend Session the morning of May 3, 2017.

I will return to the office immediately after my pre-op appointment and will be available the rest of the day.

Sincerely,

/s/ Senator Ed Jackson

APPROVED: Lieutenant Governor
Randy McNally

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 151 with amendment, 317 with amendment, 318 with amendment, 371 with amendment, 398, 409 with amendment, 438, 445 with amendment, 466 with amendment, 557, 595, 720 with amendment, 726 with amendment, 887, 969 with amendment and 1137.

WATSON, Chairperson
May 2, 2017

The Speaker announced that he had referred Senate Bills Nos. 151 with amendment, 317 with amendment, 318 with amendment, 371 with amendment, 398, 409 with amendment, 438, 445 with amendment, 466 with amendment, 557, 595, 720 with amendment, 726 with amendment, 887, 969 with amendment and 1137 to the Committee on Calendar.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 193 with amendment, 558, 822, 1041 with amendment, 1059 and 1363 with amendment.

WATSON, Chairperson
May 3, 2017

The Speaker announced that he had referred Senate Bills Nos. 193 with amendment, 558, 822, 1041 with amendment, 1059 and 1363 with amendment to the Committee on Calendar.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 174, 647, 975, 1164, 1288, 1296, 1424, 1434, 1436, 1443, 1445, 1446 and 1452** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced the following House Bills were transmitted to the Senate and passed first consideration:

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

House Bill No. 174 -- Teachers, Principals and School Personnel -- As introduced, creates a list of rights and protections afforded to educators. Amends TCA Title 49.

House Bill No. 647 -- Hospitals and Health Care Facilities -- As introduced, enacts the "Annual Coverage Assessment Act of 2017." Amends TCA Title 71, Chapter 5 and Chapter 854 of the Public Acts of 2016.

House Bill No. 975 -- State Employees -- As introduced, requires each department to report the number of preferred service employees in the department affected by a reduction-in-force during the previous fiscal year to the chairs of the state government committee of the house of representatives and the state and local government committee of the senate. Amends TCA Title 4; Title 8; Title 9, Chapter 4, Part 53; Title 10; Title 11; Title 12; Title 41; Title 50 and Title 54.

House Bill No. 1164 -- Agriculture -- As introduced, requires that industrial hemp license and permit fees be calculated in the same manner as other fees for programs administered by the department of agriculture pursuant to the tiered fee structure established under the Tennessee agricultural regulatory fund laws. Amends TCA Title 43, Chapter 1, Part 7; Section 43-26-102 and Section 43-26-103.

House Bill No. 1288 -- Wine & Wineries -- As introduced, requires importers of wine to file monthly reports with the department of revenue containing certain shipment information; provides for the availability and preservation of reports and related records; subjects such importers to sanctions for failure to comply with reporting requirements. Amends TCA Section 57-3-217.

House Bill No. 1296 -- Criminal Procedure -- As introduced, requires the Tennessee bureau of investigation (TBI) to review the number of expunction petitions filed in 2017 for crimes committed prior to November 1, 1989, the number of petitions that were granted, and the number of petitions that were rejected; requires TBI to report its findings to the general assembly in January of 2019. Amends TCA Section 40-32-101.

House Bill No. 1424 -- Dickson County -- Subject to local approval, abolishes the County Highway Commission and office of the County Highway Engineer. Amends Chapter 53 of the Private Acts of 1985; as amended.

House Bill No. 1426 -- Greene County -- Subject to local approval, creates two divisions within the general sessions court in Greene County; establishes the office of a second judge to preside over the second division. Amends Chapter 170 of the Private Acts of 1955.

House Bill No. 1434 -- Manchester -- Subject to local approval, rewrites the city charter. Amends Chapter 65 of the Private Acts of 1905.

House Bill No. 1436 -- Dickson -- Subject to local approval, abolishes the municipal court. Amends Chapter 274 of the Private Acts of 1924; as amended and rewritten.

House Bill No. 1443 -- Rutherford County -- Subject to local approval, creates new county purchasing act. Amends Chapter 421 of the Private Acts of 1943; as amended.

House Bill No. 1445 -- Williamson County -- Subject to local approval, grants the judge of the juvenile court the power to appoint, retain, reappoint, and supervise judicial commissioners;

authorizes the juvenile judge to appoint and supervise a temporary or part-time judicial commissioner, subject to county legislative body appropriations for personnel. Amends Chapter 56 of the Private Acts of 2012.

House Bill No. 1446 -- Williamson County -- Subject to local approval, repeals tax levy on property located in unincorporated areas of county, the proceeds of which are used for road purposes, as part of a reallocation of funds to be appropriated for such purposes. Amends Chapter 373 of the Private Acts of 1937; as amended.

House Bill No. 1452 -- Troy -- Subject to local approval, decreases the number of required monthly meeting times of the board of mayor and aldermen from two to one. Amends Chapter 50 of the Private Acts of 1979.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 1465** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 1465 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 419 through 440**; and **Senate Resolutions Nos. 99 through 116** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 419 by Senator Gardenhire.
Memorials, Recognition -- Council for Alcohol and Drug Abuse Services, Inc.

Senate Joint Resolution No. 420 by Senator Gresham.
Memorials, Death -- Sadie Olene Harbin.

Senate Joint Resolution No. 421 by Senator Gresham.
Memorials, Death -- Robert Wesley Wilson.

Senate Joint Resolution No. 422 by Senator Gresham.
Memorials, Death -- Maxwell D. Miller.

Senate Joint Resolution No. 423 by Senator Bailey.
Memorials, Academic Achievement -- Brandon Keith Stubbs, Valedictorian, Cumberland County High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senate Joint Resolution No. 424 by Senator Bailey.

Memorials, Academic Achievement -- Sydney Fasha Clark, Salutatorian, Cumberland County High School.

Senate Joint Resolution No. 425 by Senator Bailey.

Memorials, Academic Achievement -- Hayden Welch, Top Ten Senior, White County High School.

Senate Joint Resolution No. 426 by Senator Bailey.

Memorials, Academic Achievement -- Megan Wilson, Valedictorian, White County High School.

Senate Joint Resolution No. 427 by Senator Bailey.

Memorials, Academic Achievement -- Saylor Wilson, Top Ten Senior, White County High School.

Senate Joint Resolution No. 428 by Senator Bailey.

Memorials, Academic Achievement -- Jacklyn Bryant, Top Ten Senior, White County High School.

Senate Joint Resolution No. 429 by Senator Bailey.

Memorials, Academic Achievement -- Clyde Whitaker, Top Ten Senior, White County High School.

Senate Joint Resolution No. 430 by Senator Bailey.

Memorials, Academic Achievement -- Trevathan Johnson, Top Ten Senior, White County High School.

Senate Joint Resolution No. 431 by Senator Bailey.

Memorials, Academic Achievement -- Spencer Gooch, Top Ten Senior, White County High School.

Senate Joint Resolution No. 432 by Senator Bailey.

Memorials, Academic Achievement -- Malik Murray, Salutatorian, White County High School.

Senate Joint Resolution No. 433 by Senator Bailey.

Memorials, Academic Achievement -- Kayleigh Bray, Top Ten Senior, White County High School.

Senate Joint Resolution No. 434 by Senator Bailey.

Memorials, Academic Achievement -- Grayson Farris, Top Ten Senior, White County High School.

Senate Joint Resolution No. 435 by Senator Roberts.

Memorials, Recognition -- Dickson Middle School.

Senate Joint Resolution No. 436 by Senator Johnson.

Memorials, Death -- Ralph Brown.

Senate Joint Resolution No. 437 by Senator Beavers.

Memorials, Professional Achievement -- David Shannon, president of Freed-Hardeman University.

Senate Joint Resolution No. 438 by Senator Ketron.

Memorials, Heroism -- Specialist Jeremy Tomlin, U.S. Army.

Senate Joint Resolution No. 439 by Mr. Speaker McNally.

Memorials, Interns -- Christian Jade Cooper.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senate Joint Resolution No. 440 by Mr. Speaker McNally.

Memorials, Interns -- Carter Phillips.

Senate Resolution No. 99 by Senator Ketron.

Memorials, Interns -- Allison Ela Haslett.

Senate Resolution No. 100 by Senator Ketron.

Memorials, Interns -- Rikki Lyn Erwin.

Senate Resolution No. 101 by Senator Yager.

Memorials, Interns -- Aimee Sennes.

Senate Resolution No. 102 by Senator Roberts.

Memorials, Academic Achievement -- Daniel Brent Drexler, Salutatorian, Springfield High School.

Senate Resolution No. 103 by Senator Roberts.

Memorials, Academic Achievement -- Emma McClain Friedmann, Valedictorian, Springfield High School.

Senate Resolution No. 104 by Senator Roberts.

Memorials, Academic Achievement -- Marisa Grace Phelps, Valedictorian, East Robertson High School.

Senate Resolution No. 105 by Senator Roberts.

Memorials, Academic Achievement -- William Richard Salsman, Salutatorian, East Robertson High School.

Senate Resolution No. 106 by Senator Roberts.

Memorials, Academic Achievement -- Addison Kately Leggett, Valedictorian, United Christian Academy.

Senate Resolution No. 107 by Senator Roberts.

Memorials, Academic Achievement -- Kennedy Nicole Crider, Valedictorian, Dickson County High School.

Senate Resolution No. 108 by Senator Roberts.

Memorials, Academic Achievement -- Alexis Claire Walsh, Valedictorian, Sycamore High School.

Senate Resolution No. 109 by Senator Roberts.

Memorials, Academic Achievement -- Richard Gordon Gillingham, Salutatorian, Sycamore High School.

Senate Resolution No. 110 by Senator Roberts.

Memorials, Academic Achievement -- Zoe Marie Munson, Salutatorian, Dickson County High School.

Senate Resolution No. 111 by Senator Roberts.

Memorials, Academic Achievement -- Emily Rose Davis, Valedictorian, Waverly Central High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senate Resolution No. 112 by Senator Roberts.

Memorials, Academic Achievement -- Emma Grace Rushton, Valedictorian, Waverly Central High School.

Senate Resolution No. 113 by Senator Roberts.

Memorials, Academic Achievement -- Carson Trice Short, Valedictorian, Waverly Central High School.

Senate Resolution No. 114 by Senator Roberts.

Memorials, Academic Achievement -- Sarah Ashlyn Smith, Valedictorian, Waverly Central High School.

Senate Resolution No. 115 by Senator Roberts.

Memorials, Academic Achievement -- Taylor Brianne Travis, Valedictorian, Waverly Central High School.

Senate Resolution No. 116 by Senator Stevens.

Memorials, Interns -- Laney Overton.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 466 through 471, 473 through 483 and 486; Senate Joint Resolutions Nos. 408 through 418; and Senate Resolution No. 98** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 466 -- Memorials, Death -- Henry Hooker.

The Speaker announced that he had referred House Joint Resolution No. 466 to the Committee on Calendar.

House Joint Resolution No. 467 -- Memorials, Recognition -- Lexington Lions Club, 70th Anniversary.

The Speaker announced that he had referred House Joint Resolution No. 467 to the Committee on Calendar.

House Joint Resolution No. 468 -- Memorials, Recognition -- Steve Trout, Tennessee Grocers & Convenience Store Association's 2017 Retailer of the Year.

The Speaker announced that he had referred House Joint Resolution No. 468 to the Committee on Calendar.

House Joint Resolution No. 469 -- Memorials, Recognition -- Nashville Bar Association, Law Day 2017.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 469 to the Committee on Calendar.

House Joint Resolution No. 470 -- Memorials, Recognition -- Exchange Club of Jackson's Flags of Freedom Project, 10th Anniversary.

The Speaker announced that he had referred House Joint Resolution No. 470 to the Committee on Calendar.

House Joint Resolution No. 471 -- Memorials, Heroism -- Griffin Barry.

The Speaker announced that he had referred House Joint Resolution No. 471 to the Committee on Calendar.

House Joint Resolution No. 473 -- Memorials, Academic Achievement -- Ellie Christina Gantenbein, Salutatorian, Smith County High School.

The Speaker announced that he had referred House Joint Resolution No. 473 to the Committee on Calendar.

House Joint Resolution No. 474 -- Memorials, Academic Achievement -- Madison Caroline Spivey, Valedictorian, Smith County High School.

The Speaker announced that he had referred House Joint Resolution No. 474 to the Committee on Calendar.

House Joint Resolution No. 475 -- Memorials, Academic Achievement -- Rachel Olivia Fuson, Valedictorian, DeKalb County High School.

The Speaker announced that he had referred House Joint Resolution No. 475 to the Committee on Calendar.

House Joint Resolution No. 476 -- Memorials, Academic Achievement -- Jacob Hunter Robinson, Salutatorian, DeKalb County High School.

The Speaker announced that he had referred House Joint Resolution No. 476 to the Committee on Calendar.

House Joint Resolution No. 477 -- Memorials, Academic Achievement -- Cheyenne Nichole Martin, Valedictorian, Santa Fe Unit School.

The Speaker announced that he had referred House Joint Resolution No. 477 to the Committee on Calendar.

House Joint Resolution No. 478 -- Memorials, Academic Achievement -- Kallie Alana Faulkner, Salutatorian, Santa Fe Unit School.

The Speaker announced that he had referred House Joint Resolution No. 478 to the Committee on Calendar.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

House Joint Resolution No. 479 -- Memorials, Academic Achievement -- Camille French, Valedictorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 479 to the Committee on Calendar.

House Joint Resolution No. 480 -- Memorials, Academic Achievement -- Seth Scruggs, Salutatorian, Zion Christian Academy.

The Speaker announced that he had referred House Joint Resolution No. 480 to the Committee on Calendar.

House Joint Resolution No. 481 -- Memorials, Academic Achievement -- Kendell DeeAnna Hardison, Valedictorian, Columbia Academy.

The Speaker announced that he had referred House Joint Resolution No. 481 to the Committee on Calendar.

House Joint Resolution No. 482 -- Memorials, Academic Achievement -- Alec Jameson Wright, Salutatorian, Columbia Academy.

The Speaker announced that he had referred House Joint Resolution No. 482 to the Committee on Calendar.

House Joint Resolution No. 483 -- Memorials, Interns -- Holton G. Bowling.

The Speaker announced that he had referred House Joint Resolution No. 483 to the Committee on Calendar.

House Joint Resolution No. 486 -- Memorials, Death -- Dr. Jay Werthmuller.

The Speaker announced that he had referred House Joint Resolution No. 486 to the Committee on Calendar.

Senate Joint Resolution No. 408 -- Memorials, Recognition -- Wally's, 80th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 408 to the Committee on Calendar.

Senate Joint Resolution No. 409 -- Memorials, Recognition -- MoonPie, 100th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 409 to the Committee on Calendar.

Senate Joint Resolution No. 410 -- Memorials, Recognition -- Bethpage Elementary School, National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 410 to the Committee on Calendar.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senate Joint Resolution No. 411 -- Memorials, Recognition -- Jackson Elementary School, National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 411 to the Committee on Calendar.

Senate Joint Resolution No. 412 -- Memorials, Recognition -- Brentwood Middle School, National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 412 to the Committee on Calendar.

Senate Joint Resolution No. 413 -- Memorials, Recognition -- Glendale Elementary School, National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 413 to the Committee on Calendar.

Senate Joint Resolution No. 414 -- Memorials, Recognition -- Walnut Grove Elementary School, National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 414 to the Committee on Calendar.

Senate Joint Resolution No. 415 -- Memorials, Recognition -- John P. Freeman Optional School, National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 415 to the Committee on Calendar.

Senate Joint Resolution No. 416 -- Memorials, Interns -- Hannah Haley.

The Speaker announced that he had referred Senate Joint Resolution No. 416 to the Committee on Calendar.

Senate Joint Resolution No. 417 -- Memorials, Interns -- Myah Arnelle Revis.

The Speaker announced that he had referred Senate Joint Resolution No. 417 to the Committee on Calendar.

Senate Joint Resolution No. 418 -- Memorials, Recognition -- Westvue Church of Christ, 50th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 418 to the Committee on Calendar.

Senate Resolution No. 98 -- Memorials, Death -- David McCullough.

The Speaker announced that he had referred Senate Resolution No. 98 to the Committee on Calendar.

MOTION

Senator Massey moved that Rule 37 be suspended for the purpose of placing **Senate Bill No. 968** on the Calendar for Thursday, May 4, 2017, which motion prevailed.

MOTION

Senator Watson moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 1230, 1241, 1245, 1250 and 1260** on the calendar for the Committee on Finance, Ways and Means for Wednesday, May 3, 2017, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 297, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 338, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 494, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

CONSENT CALENDAR

Senate Joint Resolution No. 379 -- Memorials, Recognition -- Cameron Hamilton, Boys and Girls Club of Greeneville and Greene County Youth of the Year.

Senate Joint Resolution No. 380 -- Memorials, Recognition -- Kulijeetsinh N. Raj, Boys and Girls Club of Morristown Youth of the Year.

Senate Joint Resolution No. 381 -- Memorials, Recognition -- Carthage Benevolent Lodge #14.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senate Joint Resolution No. 382 -- Memorials, Academic Achievement -- Madison Grace Evetts, Salutatorian, Macon County High School.

Senate Joint Resolution No. 383 -- Memorials, Academic Achievement -- Ethan James Reid, Valedictorian, Macon County High School.

Senate Joint Resolution No. 384 -- Memorials, Recognition -- Jordan Isaiah Hannah, Boys and Girls Clubs of the Clinch Valley Youth of the Year.

Senate Joint Resolution No. 385 -- Memorials, Recognition -- Zakiyah E. Walker, Boys and Girls Clubs of Tennessee Youth of the Year Statewide Third Place.

Senate Joint Resolution No. 386 -- Memorials, Recognition -- Ellissa Renee Lawson, Boys and Girls Clubs of the Ocoee Region Youth of the Year.

Senate Joint Resolution No. 387 -- Memorials, Recognition -- Brooke Lawson, Boys and Girls Clubs of Greater Kingsport Youth of the Year.

Senate Joint Resolution No. 388 -- Memorials, Recognition -- Destiny Moore, Boys and Girls Clubs of Middle Tennessee Youth of the Year.

Senate Joint Resolution No. 389 -- Memorials, Recognition -- Diamond Love, Boys and Girls Clubs of Tennessee State Youth of the Year.

Senate Joint Resolution No. 390 -- Memorials, Interns -- Ethan Waller.

Senate Joint Resolution No. 391 -- Memorials, Interns -- Hannah Pack.

Senate Joint Resolution No. 392 -- Memorials, Recognition -- Hannah Dove Maurice, Boys and Girls Clubs of the Smoky Mountains Youth of the Year.

Senate Joint Resolution No. 393 -- Memorials, Recognition -- Terica Britt, Boys and Girls Club of Johnson City/Washington County Youth of the Year.

Senate Joint Resolution No. 394 -- Memorials, Recognition -- Bjorn L. LaLonde, Boys and Girls Clubs of Rutherford County Youth of the Year.

Senate Joint Resolution No. 395 -- Memorials, Recognition -- Anthony Edwards, Jr., Boys and Girls Club of Chattanooga Youth of the Year.

Senate Joint Resolution No. 396 -- Memorials, Recognition -- Nicole Gail Burney, Boys and Girls Clubs of the Dumplin Valley Youth of the Year.

Senate Joint Resolution No. 397 -- Memorials, Recognition -- Jessica Harrison, Boys and Girls Clubs of Tennessee Youth of the Year Statewide Runner-Up.

Senate Joint Resolution No. 398 -- Memorials, Academic Achievement -- Kaley White, Salutatorian, Upperman High School.

Senate Resolution No. 77 -- Memorials, Academic Achievement -- Hunter Cory Bilyeu, Valedictorian, Jo Byrns High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senate Resolution No. 78 -- Memorials, Academic Achievement -- Jacob Dalton Holt, Salutatorian, Jo Byrns High School.

House Joint Resolution No. 366 -- Memorials, Recognition -- Nathan Pride, Jackson Exchange Club's 2016 Jackson Man of the Year.

House Joint Resolution No. 367 -- Memorials, Interns -- Joseph "Joey" Dixon.

House Joint Resolution No. 368 -- Memorials, Professional Achievement -- Wayne County Forestry Association.

House Joint Resolution No. 369 -- Memorials, Academic Achievement -- Taylor Durbin, Valedictorian, Frank Hughes High School.

House Joint Resolution No. 370 -- Memorials, Academic Achievement -- Jake Erisman, Salutatorian, Frank Hughes High School.

House Joint Resolution No. 371 -- Memorials, Academic Achievement -- Taylor Anne Beckham, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 372 -- Memorials, Academic Achievement -- Chloe Cooke, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 373 -- Memorials, Academic Achievement -- Gunnar Bunch, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 374 -- Memorials, Academic Achievement -- Mallory Cherry, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 375 -- Memorials, Academic Achievement -- Rose Garrard, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 376 -- Memorials, Academic Achievement -- McKenzie Alley, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 377 -- Memorials, Academic Achievement -- Anna Grace Blackburn, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 378 -- Memorials, Academic Achievement -- Hannah Kate Love, Top Ten Senior, Frank Hughes High School.

House Joint Resolution No. 379 -- Memorials, Academic Achievement -- Christian Robert Kirk, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 380 -- Memorials, Academic Achievement -- Mary Katelyn Davis, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 381 -- Memorials, Academic Achievement -- Abigail Rose Magness, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 382 -- Memorials, Academic Achievement -- Taylor Alexandra Clayton, Top Ten Senior, Hardin County High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

House Joint Resolution No. 383 -- Memorials, Academic Achievement -- Hillary Lauren Hunt, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 384 -- Memorials, Academic Achievement -- Carlee Reese Register, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 385 -- Memorials, Academic Achievement -- Emma Nichole King, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 386 -- Memorials, Academic Achievement -- Kaylie Rebekah Jerrolds, Top Ten Senior, Hardin County High School.

House Joint Resolution No. 387 -- Memorials, Academic Achievement -- Peyton Lee Ewoldt, Salutatorian, Hardin County High School.

House Joint Resolution No. 388 -- Memorials, Academic Achievement -- Houston Daniel Phillips, Valedictorian, Hardin County High School.

House Joint Resolution No. 389 -- Memorials, Academic Achievement -- Sawyer Blaine Turnbow, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 390 -- Memorials, Academic Achievement -- Hannah Dale Davis, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 391 -- Memorials, Academic Achievement -- Elsie Grace Littrell, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 392 -- Memorials, Academic Achievement -- Hope Makenzi Ruddle, Valedictorian, Wayne County High School.

House Joint Resolution No. 393 -- Memorials, Academic Achievement -- Taylor Grace Bevis, Salutatorian, Wayne County High School.

House Joint Resolution No. 394 -- Memorials, Academic Achievement -- Adele Marie Haun, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 395 -- Memorials, Academic Achievement -- Lacey Danielle Staggs, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 396 -- Memorials, Academic Achievement -- Dustin Alan Hargrove, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 397 -- Memorials, Academic Achievement -- Katelyn Cheyenne LaBombard, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 398 -- Memorials, Academic Achievement -- Alexandra Faith Woodside, Top Ten Senior, Wayne County High School.

House Joint Resolution No. 399 -- Memorials, Academic Achievement -- Riley Chapman, Top Ten Senior, Summertown High School.

House Joint Resolution No. 400 -- Memorials, Academic Achievement -- Sara Williams, Top Ten Senior, Summertown High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

House Joint Resolution No. 401 -- Memorials, Academic Achievement -- Sara Beasley, Top Ten Senior, Summertown High School.

House Joint Resolution No. 402 -- Memorials, Academic Achievement -- Anna Gorbatoff, Top Ten Senior, Summertown High School.

House Joint Resolution No. 403 -- Memorials, Academic Achievement -- Madison Dinwiddie, Valedictorian, Summertown High School.

House Joint Resolution No. 404 -- Memorials, Academic Achievement -- Dalton Belew, Top Ten Senior, Summertown High School.

House Joint Resolution No. 405 -- Memorials, Academic Achievement -- Tessa Love, Salutatorian, Summertown High School.

House Joint Resolution No. 406 -- Memorials, Academic Achievement -- Heather Gauthier, Top Ten Senior, Summertown High School.

House Joint Resolution No. 407 -- Memorials, Academic Achievement -- Kaylee Johnson, Top Ten Senior, Summertown High School.

House Joint Resolution No. 408 -- Memorials, Academic Achievement -- Hayley Sanduskey, Top Ten Senior, Summertown High School.

House Joint Resolution No. 409 -- Memorials, Academic Achievement -- Ty Robertson, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 410 -- Memorials, Academic Achievement -- Ashton Daniel, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 411 -- Memorials, Academic Achievement -- Sada Lowery, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 412 -- Memorials, Academic Achievement -- Lauren Palmer, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 413 -- Memorials, Academic Achievement -- Emily Dial, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 414 -- Memorials, Academic Achievement -- Zoiee Gobbell, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 415 -- Memorials, Academic Achievement -- Jay Hutton, Salutatorian, Collinwood High School.

House Joint Resolution No. 416 -- Memorials, Academic Achievement -- Hannah Horton, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 417 -- Memorials, Academic Achievement -- Adrianna Darnell, Top Ten Senior, Collinwood High School.

House Joint Resolution No. 418 -- Memorials, Academic Achievement -- Kaylan Putman, Valedictorian, Collinwood High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

House Joint Resolution No. 421 -- Memorials, Academic Achievement -- K'nori Tre'shon Bone, Salutatorian, Austin East Magnet High School.

House Joint Resolution No. 422 -- Memorials, Academic Achievement -- Mayra Alejandra Osorio Flores, Valedictorian, Austin East Magnet High School.

House Joint Resolution No. 423 -- Memorials, Academic Achievement -- William Harvie III, Valedictorian, Blackman High School.

House Joint Resolution No. 424 -- Memorials, Academic Achievement -- Luke Jared Hamby, Valedictorian, Blackman High School.

House Joint Resolution No. 425 -- Memorials, Academic Achievement -- Joel Lewis Bain, Valedictorian, Blackman High School.

House Joint Resolution No. 426 -- Memorials, Academic Achievement -- Tomy Chet, Valedictorian, Blackman High School.

House Joint Resolution No. 427 -- Memorials, Academic Achievement -- Hunter Solomon, Valedictorian, Blackman High School.

House Joint Resolution No. 428 -- Memorials, Academic Achievement -- Heather Edelstein, Valedictorian, Blackman High School.

House Joint Resolution No. 429 -- Memorials, Academic Achievement -- Reece Jordan Rich, Valedictorian, Blackman High School.

House Joint Resolution No. 430 -- Memorials, Academic Achievement -- Cody Anourath Ramangkoun, Valedictorian, Blackman High School.

House Joint Resolution No. 431 -- Memorials, Academic Achievement -- Zachary Adams, Valedictorian, Blackman High School.

House Joint Resolution No. 432 -- Memorials, Academic Achievement -- Kayla Michelle Reed, Valedictorian, Blackman High School.

House Joint Resolution No. 433 -- Memorials, Academic Achievement -- Kristen Leigh Smith, Valedictorian, Blackman High School.

House Joint Resolution No. 434 -- Memorials, Academic Achievement -- Daylia Sky Wallace, Valedictorian, Blackman High School.

House Joint Resolution No. 435 -- Memorials, Academic Achievement -- Jeremy Wright, Salutatorian, Riverdale High School.

House Joint Resolution No. 436 -- Memorials, Academic Achievement -- Alana Flint, Valedictorian, Riverdale High School.

House Joint Resolution No. 437 -- Memorials, Academic Achievement -- Megan Taylor, Valedictorian, Riverdale High School.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

House Joint Resolution No. 438 -- Memorials, Academic Achievement -- Sarah Abu-Shanab, Valedictorian, Riverdale High School.

House Joint Resolution No. 439 -- Memorials, Academic Achievement -- Elizabeth Whitt, Valedictorian, Riverdale High School.

House Joint Resolution No. 440 -- Memorials, Academic Achievement -- Beth Smith, Valedictorian, Riverdale High School.

House Joint Resolution No. 441 -- Memorials, Recognition -- Philip P. Goad.

House Joint Resolution No. 442 -- Memorials, Retirement -- Hal Bedell.

House Joint Resolution No. 443 -- Memorials, Recognition -- Junior League of Murfreesboro, 25th Anniversary.

House Joint Resolution No. 444 -- Memorials, Recognition -- Hannah Maurice, Boys & Girls Club Youth of the Year.

House Joint Resolution No. 445 -- Memorials, Academic Achievement -- D'Eric D. Ricks, Valedictorian, Sheffield High School.

House Joint Resolution No. 446 -- Memorials, Recognition -- Deonna J. Isom, Student Council President, Sheffield High School.

House Joint Resolution No. 447 -- Memorials, Academic Achievement -- Alisha J. Sesley, Salutatorian, Hamilton High School.

House Joint Resolution No. 448 -- Memorials, Academic Achievement -- Fredricka D. Braden, Salutatorian, Hamilton High School.

House Joint Resolution No. 449 -- Memorials, Academic Achievement -- Dominique D. Dowdy, Valedictorian, Hamilton High School.

House Joint Resolution No. 450 -- Memorials, Academic Achievement -- Omar Bernal, Salutatorian, Sheffield High School.

Senator Massey moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

CALENDAR

Speaker Pro Tempore Tracy moved that **Senate Bill No. 14** be placed on the Calendar for Thursday, May 4, 2017, which motion prevailed.

Senate Bill No. 214 -- Hospitals and Health Care Facilities -- As introduced, enacts the "Annual Coverage Assessment Act of 2017." Amends TCA Title 71, Chapter 5 and Chapter 854 of the Public Acts of 2016.

Senator Overbey declared Rule 13 on **Senate Bill No. 214**.

On motion, Senate Bill No. 214 was made to conform with **House Bill No. 647**.

On motion, House Bill No. 647, on same subject, was substituted for Senate Bill No. 214.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 647** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--31.

A motion to reconsider was tabled.

Speaker Pro Tempore Tracy moved that **Senate Bill No. 263** be placed at the heel of the Calendar for today, which motion prevailed.

Senate Bill No. 430 -- Safety -- As introduced, requires more oversight of amusement device inspections by the commissioner of labor and workforce development; increases number of device inspections; modifies standards of device operators; requires prominent display on devices of proof of inspection; and authorizes persons injured in accidents to bring a cause of action against owners and operators. Amends TCA Title 4 and Title 68.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-121-101(3)(C), is amended by adding the following as a new subdivision:

(xvii) Seasonal haunted houses that are open no more than three (3) months in a calendar year;

SECTION 2. Tennessee Code Annotated, Section 68-121-101(17), is amended by adding the following as a new subdivision:

(D) Is a member of, and certified by, the Association for Challenge Course Technology (ACCT);

SECTION 3. Tennessee Code Annotated, Section 68-121-101, is amended by deleting subdivision (20).

SECTION 4. Tennessee Code Annotated, Section 68-121-102(a)(1), is amended by deleting the subdivision and substituting the following:

(1) There is created the elevator and amusement device safety board, consisting of eight (8) members appointed by the governor. The focus of five (5) members of the board shall be for elevator safety, the focus of two (2) members shall be amusement device safety, and the focus of one (1) member shall be on amusement device safety, representing the interests of the traveling amusement device business, inflatables, challenge courses, or the commercial sale or rental of amusement devices. The initial appointments for two (2) of the members whose focus is amusement device safety shall be as follows: one (1) member shall be appointed for a term of three (3) years and one (1) member shall be appointed for a term of four (4) years. The term of the member representing the interests of the traveling amusement device business, inflatables, challenge courses, or the commercial sale or rental of amusement devices shall be for a term of four (4) years. At the expiration of the respective terms of each member of the board, a successor, identifiable with the same focus as provided in this section, shall be appointed for a term of four (4) years. The term or appointment of any person who is a member of the elevator and amusement device safety board shall continue until the person's term expires and successors are appointed.

SECTION 5. Tennessee Code Annotated, Section 68-121-118, is amended by deleting the language "qualified, third-party inspector" wherever it appears in the section and substituting instead the language "qualified inspector".

SECTION 6. Tennessee Code Annotated, Section 68-121-119, is amended by designating the existing language as subsection (a) and adding the following as subsection (b):

(b) The commissioner may employ or contract with qualified inspectors to conduct inspections of amusement devices pursuant to this chapter. However, if the commissioner does not employ or contract with qualified inspectors, then owners and operators shall provide the commissioner with all resulting inspection reports.

SECTION 7. Tennessee Code Annotated, Section 68-121-120, is amended by deleting the section and substituting the following:

(a) A person shall not operate an amusement device unless the owner of the amusement device has the device inspected at least once annually by a qualified inspector, who is either provided by the commissioner or whom the owner or insurer has selected from the lists maintained on the department's website pursuant to § 68-121-119, and has obtained written documentation from the qualified inspector that the

inspection has been made and the amusement device meets American Society of Testing Materials (ASTM) standards or the Association for Challenge Course Technology (ACCT) industry standards. The owner of the amusement device is solely responsible for the cost of an inspection conducted pursuant to this subsection (a).

(b) The inspection required pursuant to subsection (a) must be conducted, at a minimum, to meet the manufacturer's or engineer's specifications and to follow the applicable ASTM standards or ACCT industry standards.

(c) The commissioner may conduct a spot inspection of any amusement device without notice at any time while the amusement device is operating or will be operating in this state. The commissioner's designee may order temporary suspension of an operating permit if it has been determined after a spot inspection that an amusement device or devices are hazardous or unsafe. Operation of the amusement device shall not resume until the hazardous or unsafe condition has been corrected and subjected to reinspection by the commissioner for an inspection fee established by rule.

(d) An operator of an amusement device must be competent and at least sixteen (16) years of age. An operator shall operate no more than one (1) amusement device at any one (1) time and shall be in attendance at all times the device is in operation.

SECTION 8. Tennessee Code Annotated, Section 68-121-121, is amended by designating the existing language as subsection (a) and adding the following language as subsection (b):

(b) An owner or operator of an amusement device, as applicable, shall prominently display or have available on location the amusement device's proof of inspection, which shall include the date of the last inspection of the amusement device.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 3 and redesignating the remaining sections accordingly.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 430**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 1

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

Senators voting aye were: Bailey, Beavers, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Harper, Harris, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

Senator voting no was: Bell--1.

A motion to reconsider was tabled.

Senate Bill No. 621 -- Parks, Natural Areas Preservation -- As introduced, repeals present law requirement that marinas, campgrounds, golf courses, cabins, gift shops, restaurants, and inns at state parks be self-sufficient in terms of revenue generated; repeals schedule of priority for spending revenue that exceeds what is required for self-sufficiency of those facilities. Amends TCA Title 11, Chapter 3, Part 3.

On motion, Senate Bill No. 621 was made to conform with **House Bill No. 680**.

On motion, House Bill No. 680, on same subject, was substituted for Senate Bill No. 621.

On motion of Senator Southerland, Amendment No. 1 was withdrawn.

Thereupon, pursuant to Article 11, Section 19 of the Constitution of the State of Tennessee, **House Bill No. 680** was rejected by a constitutional majority by the following vote:

Ayes	9
Noes	17
Present, not voting . . .	3

Senators voting aye were: Bowling, Briggs, Harper, Harris, Ketron, Kyle, Niceley, Southerland and Yarbrow--9.

Senators voting no were: Bailey, Beavers, Bell, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Johnson, Kelsey, Lundberg, Overbey, Stevens, Tracy, Watson and Mr. Speaker McNally--17.

Senators present and not voting were: Massey, Roberts and Yager--3.

Pursuant to Rule 62, **House Bill No. 680** was rereferred to the Committee on Calendar.

Senate Bill No. 1303 -- Barbers and/or Cosmetologists -- As introduced, requires anyone seeking a license or renewing a license as a cosmetologist, aesthetician, manicurist, natural hair stylist, or barber to successfully complete a one-hour domestic violence training course as prescribed by the state board of cosmetology and barber examiners. Amends TCA Title 62, Chapter 3 and Title 62, Chapter 4.

On motion, Senate Bill No. 1303 was made to conform with **House Bill No. 1338**.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

On motion, House Bill No. 1338, on same subject, was substituted for Senate Bill No. 1303.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1338** failed for lack of a constitutional majority by the following vote:

Ayes	15
Noes	10

Senators voting aye were: Bowling, Briggs, Crowe, Dickerson, Haile, Harris, Johnson, Ketron, Kyle, Massey, Niceley, Norris, Overbey, Yager and Yarbro--15.

Senators voting no were: Beavers, Bell, Gardenhire, Hensley, Kelsey, Lundberg, Roberts, Tracy, Watson and Mr. Speaker McNally--10.

A motion to reconsider was tabled.

Pursuant to Rule 62 and Article II, Section 18, **House Bill No. 1338** was rereferred to the Committee on Calendar.

Speaker Pro Tempore Tracy moved that **Senate Joint Resolution No. 92** be placed on the Calendar for Thursday, May 4, 2017, which motion prevailed.

Senate Bill No. 866 -- Children -- As introduced, changes from January 31 to February 1 the date by which the department of children's services must provide to the judiciary committee of the senate and the civil justice committee of the house of representatives a report of county commitment data for the previous fiscal year and a description of actions taken as part of the collaborative planning process. Amends TCA Title 37; Title 39; Title 40 and Title 41.

On motion, Senate Bill No. 866 was made to conform with **House Bill No. 959**.

On motion, House Bill No. 959, on same subject, was substituted for Senate Bill No. 866.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1 is amended by adding the following as a new section:

(a) A minor commits illegal use of a telecommunication device who:

(1) Intentionally or knowingly, by use of a telecommunication device, transmits, distributes, publishes, or disseminates a photograph, video, or other material that contains a sexually explicit image of a minor; or

(2) Intentionally possesses a photograph, video, or other material that contains a sexually explicit image of a minor.

(b) A minor does not violate subdivision (a)(2) if:

(1) The photograph, video, or other material that is in possession of the minor depicts only the minor; or

(2)(A) The minor did not solicit the photograph, video, or other material; and

(B) The minor:

(i) Deleted the photograph, video, or other material; or

(ii) Reported the photograph, video, or other material to the minor's parent or legal guardian or to a school or law enforcement official.

(c) Illegal use of a telecommunication device committed under subsection (a) is considered an unruly act, for which a court may make a disposition as authorized by § 37-1-132.

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding the following as new, appropriately designated subdivisions:

() "Sexually explicit image" means a lewd or lascivious visual depiction of a minor's genitals, pubic area, breast or buttocks, or nudity, if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such nudity;

() "Telecommunication device" has the same meaning as defined in § 39-16-201;

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 failed by the following vote:

Ayes	10
Noes	19

Senators voting aye were: Bell, Bowling, Gardenhire, Harris, Hensley, Kelsey, Lundberg, Massey, Overbey and Roberts--10.

Senators voting no were: Beavers, Briggs, Crowe, Dickerson, Gresham, Haile, Johnson, Ketron, Kyle, Niceley, Norris, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--19.

On motion of Senator Kelsey, Amendment No. 2 was withdrawn.

Senator Johnson moved that **House Bill No. 959** be placed at the heel of the Calendar for today, which motion prevailed.

Senate Bill No. 993 -- Child Custody and Support -- As introduced, specifies that in child support actions filed on or after July 1, 2017, the court cannot order the payment of retroactive support for more than five years unless the court finds the obligor deliberately avoided service or impeded the imposition of the child support obligations. Amends TCA Title 36.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-2-311(a)(11), is amended by adding the following new subdivision:

(G)(i) In any action for retroactive child support filed on or after July 1, 2017, retroactive child support shall not be awarded for a period of more than five (5) years from the date the action for support is filed unless the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a longer time period of retroactive support is in the interest of justice is on the custodial parent. Good cause includes, but is not limited to, the following:

(a) The noncustodial parent deliberately avoided service or knowingly impeded or delayed the imposition of a support obligation;

(b) The noncustodial parent used threats, intimidation, or force to prevent or delay the imposition of a support obligation; or

(c) The custodial parent reasonably feared that the establishment of parentage would result in domestic abuse, as defined in § 36-3-601.

(ii) The court may award retroactive child support for less than the five-year-period required by subdivision (a)(11)(i) if the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a shorter time period of retroactive support is in the interest of justice is on the noncustodial parent.

(iii) Upon a finding of good cause in accordance with this subdivision (a)(11)(G), the court may order retroactive support from the date the court determines to be equitable and just.

(iv) The presumption that child support for the benefit of the child be awarded retroactively to the date of the child's birth contained in the child support guidelines shall not apply to any action in which this subdivision (a)(11)(G) is applicable.

(v) Nothing in this subdivision (a)(11)(G) limits any claim for retroactive child support owed to the department of human services.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(e)(1), is amended by adding the following new subdivision:

(l)(i) In any action for retroactive child support filed on or after July 1, 2017, retroactive child support shall not be awarded for a period of more than five (5) years from the date the action for support is filed unless the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a longer time period of retroactive support is in the interest of justice is on the custodial parent. Good cause includes, but is not limited to, the following:

(a) The noncustodial parent deliberately avoided service or knowingly impeded or delayed the imposition of a support obligation;

(b) The noncustodial parent used threats, intimidation, or force to prevent or delay the imposition of a support obligation; or

(c) The custodial parent reasonably feared that the establishment of parentage would result in domestic abuse, as defined in § 36-3-601.

(ii) The court may award retroactive child support for less than the five-year-period required by subdivision (e)(1)(l)(i) if the court determines, for good cause shown, that a different award of retroactive child support is in the interest of justice. The burden to show that a shorter time period of retroactive support is in the interest of justice is on the noncustodial parent.

(iii) Upon a finding of good cause in accordance with this subdivision (e)(1)(l), the court may order retroactive support from the date the court determines to be equitable and just.

(iv) The presumption that child support for the benefit of the child be awarded retroactively to the date of the child's birth contained in the child support guidelines shall not apply to any action in which this subdivision (e)(1)(l) is applicable.

(v) Nothing in this subdivision (e)(1)(l) limits any claim for retroactive child support owed to the department of human services.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 993**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	3
Present, not voting . . .	3

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Harris, Hensley, Johnson, Ketrn, Lundberg, Massey, Niceley, Norris, Roberts, Southerland, Tate, Tracy, Watson, Yager and Mr. Speaker McNally--21.

Senators voting no were: Kelsey, Overbey and Stevens--3.

Senators present and not voting were: Beavers, Kyle and Yarbro--3.

A motion to reconsider was tabled.

SPEAKER PRO TEMPORE TRACY RELINQUISHES CHAIR

Speaker Pro Tempore Tracy relinquished the Chair to Senator Haile.

Senate Bill No. 702 -- Wine & Wineries -- As introduced, requires importers of wine to file monthly reports with the department of revenue containing certain shipment information; provides for the availability and preservation of reports and related records; subjects such importers to sanctions for failure to comply with reporting requirements. Amends TCA Section 57-3-217.

Senator Norris declared Rule 13 on **Senate Bill No. 702**.

On motion, Senate Bill No. 702 was made to conform with **House Bill No. 1288**.

On motion, House Bill No. 1288, on same subject, was substituted for Senate Bill No. 702.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-3-217, is amended by adding the following language as a new subsection (h):

(1) Each common carrier that contracts with a direct shipper under this section for delivery of wine into this state shall prepare and file monthly with the department of revenue a report of known direct wine shipments containing the name of the common carrier making the report, the period of time covered by the report, the name and business address of the direct shipper of the wine, the name and address of each individual who signed upon receipt of the wine, the weight of the package delivered to each individual, a unique tracking number, and the date of delivery. Reports received by the department of revenue must be made available to the public as a public record.

(2) Upon the request of the commissioner of revenue, any records supporting the report must be made available to the department of revenue within a reasonable time after the commissioner makes a written request for such records. Any records containing information relating to such reports must be retained and preserved for a period of two (2) years, unless destruction of the records prior to the end of such retention period is authorized in writing by the department of revenue. Such records must be open and available for inspection by the department of revenue upon written request. Reports must also be made available to any law enforcement agency or regulatory body of any local government in this state in which the common carrier making the report resides or does business.

(3) Any common carrier that willfully fails to make reports in accordance with this section or that violates any rules of the department of revenue for the administration and enforcement of this section is subject to a notification of violation. If a common carrier continually fails to make reports, the common carrier may be fined in an amount not to exceed five hundred dollars (\$500) for each delivery not reported to the department of revenue. Unpaid fines assessed under this subdivision (h)(3) must be collected in accordance with title 67, chapter 1.

(4) This subsection (h) does not apply to common carriers regulated under 49 U.S.C. §§ 10101 et seq. rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as defined in 49 CFR § 1090.1, or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including, without limitation, rail carriers and any other TOFC/COFC transportation as defined under federal law.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1288**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	2
Present, not voting . . .	1

Senators voting aye were: Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Harris, Hensley, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Overbey, Roberts, Stevens, Tate, Tracy, Watson, Yarbrow and Mr. Speaker McNally--25.

Senators voting no were: Beavers and Southerland--2.

Senator present and not voting was: Haile--1.

A motion to reconsider was tabled.

Speaker Pro Tempore Haile moved that **Senate Bill No. 705** be placed on the Calendar for Thursday, May 4, 2017, which motion prevailed.

Senate Bill No. 263 -- Schools, Charter -- As introduced, authorizes a chartering authority to require a charter school sponsor to pay an application fee of \$2,500; authorizes an LEA to receive an annual authorizer fee of up to 3 percent of the charter school's per student state and local funding if the LEA is the charter school's chartering authority. Amends TCA Title 49, Chapter 13.

Senator Norris declared Rule 13 on **Senate Bill No. 263**.

On motion, Senate Bill No. 263 was made to conform with **House Bill No. 267**.

On motion, House Bill No. 267, on same subject, was substituted for Senate Bill No. 263.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 267** passed its third and final consideration by the following vote:

Ayes	25
Noes	0

Senators voting aye were: Bailey, Beavers, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Harris, Hensley, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Roberts, Stevens, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--25.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 959

Thereupon, **House Bill No. 959** passed its third and final consideration by the following vote:

Ayes	26
Noes	2
Present, not voting . . .	1

Senators voting aye were: Bailey, Beavers, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Johnson, Ketron, Kyle, Massey, Niceley, Norris, Overbey, Roberts, Southerland, Stevens, Tate, Tracy, Watson, Yager, Yarbrow and Mr. Speaker McNally--26.

Senators voting no were: Kelsey and Lundberg--2.

Senator present and not voting was: Harris--1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

Senator Southerland moved that **House Bill No. 16** be placed on the last Message Calendar of 2017, which motion prevailed.

MOTION

Senator Norris moved that Rule 37 be suspended for the purpose of making Calendar No. 2 for Thursday, May 4, 2017 consisting of the following bills: **Senate Bills Nos. 483, 484, 485 and 486**, which motion prevailed.

MOTION

Senator Norris moved that Rule 37 be suspended for the purpose of making Calendar No. 3 for Thursday, May 4, 2017, consisting of any bills or resolutions passed out of the Committee on Finance, Ways and Means Tuesday, May 2, 2017, which motion prevailed.

MOTION

Senator Norris moved that Rule 39 be suspended for the purpose of allowing amendments for Calendar No. 2 and Calendar No. 3 filed by 8:30 a.m., Thursday, May 4, 2017, to be considered timely filed, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 439, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 571, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 614, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 806, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

MOTION

Senator Crowe moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 445**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 445 by Senator Crowe.
Memorials, Recognition -- Flag Pond Ramp Festival.

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

On motion of Senator Crowe, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 445** was adopted.

A motion to reconsider was tabled.

MOTION

On motion of Senator Dickerson, his name was added as sponsor of **Senate Bill No. 132**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 214**.

On motion of Senators Kyle and Yarbrow, their names were added as sponsors of **Senate Bill No. 430**.

On motion of Senator Stevens, his name was added as sponsor of **Senate Bill No. 438**.

On motion of Mr. Speaker McNally, his name was added as sponsor of **Senate Joint Resolution No. 384**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolution No. 394; and House Joint Resolution No. 443**.

On motion of Senators Gresham and Hensley, their names were added as sponsors of **House Joint Resolution No. 368**.

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolutions Nos. 379, 380, 381, 382, 383, 384, 385, 386, 387, 388 and 441**.

On motion of Senator Hensley, his name was added as sponsor of **House Joint Resolutions Nos. 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417 and 418**.

On motion of Senators Massey and Hensley, their names were added as sponsors of **House Joint Resolution No. 389**.

On motion of Senator Massey, her name was added as sponsor of **House Joint Resolutions Nos. 421 and 422**.

On motion of Senators Ketron and Tracy, their names were added as sponsors of **House Joint Resolutions Nos. 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439 and 440**.

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 444**.

On motion of Senator Tate, his name was added as sponsor of **House Joint Resolutions Nos. 445, 446, 447, 448, 449 and 450**.

ENGROSSED BILLS

May 3, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 430 and 993; and Senate Joint Resolutions Nos. 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397 and 398; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

May 3, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 445, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 224, 508, 664 and 1438; passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 484, 485, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499 and 500; adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 329, 597, 639, 904, 1001, 1180, 1190, 1320, 1337 and 1375; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

WEDNESDAY, MAY 3, 2017 -- 33RD LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377 and 378; concurred in by the House.

TAMMY LETZLER,
Chief Clerk

ENROLLED BILLS

May 3, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 329, 597, 639, 904, 1001, 1180, 1190, 1320, 1337 and 1375; Senate Joint Resolutions Nos. 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377 and 378; and Senate Resolutions Nos. 77 and 78; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 106, 419, 1271 and 1292; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417 and 418; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449 and 450; for the signature of the Speaker.

TAMMY LETZLER,
Chief Clerk

SIGNED

May 3, 2017

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377 and 378; and Senate Resolutions Nos. 77 and 78.

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 55, 62, 69, 73, 77, 83, 84, 92, 102, 106, 162, 241, 242, 394, 413, 454, 469, 473, 527, 723, 740, 798, 921, 951, 1077 and 1262; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

May 3, 2017

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377 and 378; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

May 3, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 55, 62, 69, 73, 77, 83, 84, 92, 102, 106, 162, 241, 242, 394, 413, 454, 469, 473, 527, 723, 740, 798, 921, 951, 1077 and 1262; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

REPORT OF DEPUTY CHIEF CLERK

May 3, 2017

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 91, 111, 343, 358, 359, 360, 361, 362, 363, 364, 365 and 366; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE GOVERNOR

May 3, 2017

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357 and 405; with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

REPORT OF COMMITTEE ON CALENDAR # 2

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 4, 2017: Senate Bills Nos. 483, 484, 485 and 486.

This the 3rd day of May, 2017
MASSEY, Chairperson

REPORT OF COMMITTEE ON CALENDAR # 3

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 4, 2017: Senate Bills Nos. 151, 317, 318, 371, 398, 409, 438, 445, 466, 557, 595, 720, 726, 887, 969 and 1137.

This the 3rd day of May, 2017
MASSEY, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, May 4, 2017: Senate Bills Nos. 297, 338, 439, 494, 571, 614 and 806.

This the 3rd day of May, 2017.
MASSEY, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Thursday, May 4, 2017, which motion prevailed.